

Senator Smith moved to adjourn to 3 p. m.

Lost.

Senator Smith called up Senator Dean's motion to reconsider the vote by which the amendment (see above) was adopted, and moved to lay the motion on the table.

Tabled by the following vote:

Yeas—14.

Agnew.	Goss.
Atlee.	Greer.
Bailey.	Lawhon.
Bowser.	McComb.
Colquitt.	Presler.
Dibrell.	Smith.
Dickson.	Steele.

Nays—9.

Crowley.	Sherrill.
Dean.	Simpson.
Gage.	Tips.
Lewis.	Woods.
Shelburne.	

Absent—excused.

Boren.	Stafford.
Rogers.	

Absent—not excused.

Beall.	McKinney.
Darwin.	Whitaker.
Harrison.	

By Senator Atlee:

Amend by striking out all after "Texas" to and including line 5, and insert the following: "That article 683b of the Penal Code of the State of Texas be amended so as to hereafter read as follows, to wit:"

Adopted.

By Senator Atlee:

Amend by striking out section 2 of the printed bill.

Pending action, the following message was received from the Governor:

Executive Office,
Austin, Texas, Jan. 28, 1895.

To the Senate:

The advice and consent of the Senate is respectfully asked to the following appointments:

Managers of the North Texas Lunatic Asylum: J. S. Griunau, George E. Kelly, A. H. Ables, W. A. Brooks, all of Kaufman county; W. T. Foster of Van Zandt county.

Trustees of the Deaf and Dumb and Blind Asylum for Colored Youths—Hugh L. Davis, E. A. Todd, all of Travis county, vice Henry Hutchings and Sam Harlan, declined.

Managers of the Southwestern Lunatic Asylum at San Antonio—Dr. Amos Graves, A. E. Devine, T. D. Cobbs, L. P. Peck, B. F. McNulty, all of Bexar county.

C. A. CULBERSON.
Governor.

On motion of Senator Smith, Senate adjourned till 10 a. m. tomorrow.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas, January 29, 1895.

Senate met pursuant to adjournment. Lieutenant Governor Jester in the chair. Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Lawhon.
Bailey.	Lewis.
Beall.	McComb.
Bowser.	McKinney.
Colquitt.	Presler.
Crowley.	Shelburne.
Dean.	Sherrill.
Dibrell.	Simpson.
Dickson.	Smith.
Gage.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Harrison.	Woods.

Absent—excused.

Boren.	Rogers.
Darwin.	Stafford.

Absent—not excused.

Atlee.

Prayer by the Chaplain, Dr. Smoot.

Pending the reading of the Journal of yesterday,

On motion of Senator Dickson, the same was suspended.

On motion of Senator Agnew, Senator Harrison was excused for non-attendance on yesterday on account of important business.

On motion of Senator Shelburne, Door-keeper Phillips was excused for non-attendance on yesterday on account of important business.

On motion of Senator Tips, Senator Atlee was excused for today and the remainder of the week on account of important business.

On motion of Senator Woods, Senator McKinney was excused for non-attendance on yesterday on account of important business.

On motion of Senator Simpson, Senator Shelburne was excused for tomorrow and Thursday, to enable him to attend the anniversary of the golden wedding of his parents.

On motion of Senator Harrison, Senator Beall was excused for non-attendance on yesterday on account of important business.

On motion of Senator Goss, Journal Clerk O'Quinn was excused for Wednesday and Friday to attend examination of the law class of the State University, of which he is a member.

PETITIONS AND MEMORIALS.

By Senator Agnew:

Petition of citizens of Alvin and vicinity praying for the creation of a new county out of the eastern part of Brazoria county.

Read and referred to Committee on Counties and County Boundaries.

By Senator McComb:

A memorial from teachers of public schools of Walker county.

Read and referred to Committee on Education.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 28, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Privileges and Elections, to whom was referred the memorial against Hon. Miles Crowley, Senator of the Seventeenth District of Texas, signed by J. W. Terry, Esq., after duly considering the same, are of the opinion that the Senate has no jurisdiction of any of the charges in said memorial contained except the three first and the specifications thereunder. Of these the third was voluntarily abandoned by the memorialist. That charges one and two, together with their respective specifications, were carefully inquired into by your committee, and the evidence relating thereto reduced to writing, which is herewith returned, together with the said memorial, and I am instructed by said committee to report the same back to the Senate with the statement that none of said charges or specifications thereunder were sustained by the evidence, and to recommend that said memorial be dismissed.

All of which is respectfully submitted.

DEAN, Chairman.

On motion of Senator Shelburne, the above report was unanimously adopted.

Committee Room,

Austin, Texas, Jan. 28, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 91, being a bill to be entitled "An act to amend article 7, section 75, chapter 122, of the general laws of the State of Texas, being 'An act to provide for a more efficient system of public schools for the State of Texas,' etc., approved May 20, 1893,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PRESLER, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was recommitted

Senate bill No. 59, being a bill to be entitled "An act to amend article 528, title 15, chapter 7, of the Penal Code of the State of Texas,"

Have had the same under consideration and I am instructed to report back to the Senate the following substitute bill for the same with the recommendation that the substitute do pass, and that the substitute only be printed.

AGNEW, Chairman.

A bill to be entitled an act to amend article 528, of title 15, chapter 7, of the Penal Code of the State of Texas, relating to the offense of rape.

Section 1. Be it enacted by the Legislature of the State of Texas, That article

528 of the Penal Code of the State of Texas be so amended as to hereafter read as follows:

Article 528. Rape is the carnal knowledge of a woman without her consent, obtained by force, threats or fraud, or the carnal knowledge of a woman other than the wife of the person having such carnal knowledge, with or without consent, and with or without the use of force, threats or fraud, such woman being so mentally diseased at the time as to have no will to oppose the act of carnal knowledge, the person having carnal knowledge of her knowing her to be so mentally diseased; or the carnal knowledge of a female under the age of fourteen years, with or without her consent, and with or without the use of force, threats or fraud; provided, that in the prosecution under this last sub-division the defendant shall be permitted to show that the female on whom the rape is charged to have been committed was at the time of the commission of the rape charged a common prostitute."

Committee Room,

Austin, Texas, Jan. 28, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Commerce and Manufactures, to whom was referred

Joint resolution No. 2, being "A joint resolution to amend article 8 of the Constitution of the State of Texas, by adding to said article an additional section to be numbered 22, looking to the encouragement of manufactories in Texas,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it be referred to the Committee on Constitutional Amendments.

BOWSER, Chairman.

BILLS AND RESOLUTIONS.

By Senator McComb:

A bill to be entitled "An act to further define connecting lines of common carriers, their relationship to each other, and those dealing with them, or either of them, and to prescribe a rule of evidence as to such relationship, and to further prescribe their duties and liabilities."

Read first time and referred to Judiciary Committee No. 1.

By Senator Lewis:

A bill to be entitled "An act to amend article 3066 of the Revised Civil Statutes of Texas, relating to the payment of fees for jury trials."

Read first time and referred to Judiciary Committee No. 1.

By Senator Bowser:

A bill to be entitled "An act to amend the city charter of Dallas."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Shelburne (by request):

A bill to be entitled "An act to amend chapter 89 of the acts of the regular session of the Twenty-third Legislature, approved May 4, 1893, the same being an act to prescribe the time of holding the terms of the district court of the Eleventh

Judicial District, also to change the boundaries of said district, and to create the Fifty-fifth Judicial District, and fix the terms of holding the courts therein."

Read first time and referred to Committee on Judicial Districts.

By Senator Smith:

A bill to be entitled "An act to prevent officers, agents or employes of railroad or transportation companies from giving free passes or tickets, or selling the same at a discount, to members of the Legislature of the State of Texas, or to railroad commissioners, State, judicial or municipal officers, and to prevent such officers from accepting or using such papers or tickets, to provide penalties, and fix venue therefor."

Read first time and referred to Judiciary Committee No. 1.

By Senator Bailey:

A bill to be entitled "An act to authorize the formation of corporations to construct and operate union depots and railway terminals, and to empower railway companies to subscribe for and acquire stocks and bonds of such corporations, and to contract for the use of such depots, trucks and facilities."

Read first time and referred to Judiciary Committee No. 1.

By Senator Colquitt (by request):

A bill to be entitled "An act to amend chapter 3, title 17, of the Penal Code of the State of Texas, by adding thereto article 678a."

Read first time and referred to Judiciary Committee No. 2.

By Senator Lewis:

A bill to be entitled "An act to amend article 1192, of the Revised Civil Statutes of Texas, as amended by chapter 11 of the acts of the Twenty-first Legislature."

Read first time and referred to Judiciary Committee No. 1.

By Senator McComb:

A bill to be entitled "An act to provide preference liens in favor of laborers and to prescribe the manner of fixing and securing the same."

Read first time and referred to Committee on Labor.

By Senator Presler:

A bill to be entitled "An act to invest the board of regents of the University of Texas with the management and control of the university lands."

Read first time and referred to Committee on Education.

By Senator Woods:

A bill to be entitled "An act to amend section 1 of an act passed at a regular session of the Twenty-third Legislature of Texas, approved April 19, 1893, amending section 1 of an act passed by the Twenty-third Legislature of Texas, reorganizing the Fifteenth Judicial District, and defining the time for holding the courts in said Fifteenth Judicial District, and add section 1a."

Read first time and referred to Committee on Judicial Districts.

HOUSE MESSAGES.

House of Representatives.
Austin, Texas, January 29, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bills, to-wit:

Senate bill No. 34, "An act for the relief of railway corporations and belt and suburban railway companies, having charters granted or amended since the first day of January, 1887, and which have failed, or are about to fail, to construct their roads and branches or any part thereof within the time required by law."

Senate bill No. 35, "An act to authorize the La Porte, Houston and Northern Railroad company to purchase and acquire and consolidate with it all the property rights and franchises of the North Galveston, Houston and Kansas City Railroad company, and the Houston Belt and Magnolia Park Railway company, and to change its corporate name,"

With the following House amendment:

Amend section 1 by adding thereto the words "and shall be liable for all the debts and liabilities of the roads so purchased by it under the provisions of this act, the same as the original company is liable therefor."

Respectfully,

CHESTER HAILE, Chief Clerk.

Senator Greer moved that the Senate concur in the House amendments to Senate bill No. 35.

Concurred.

Call concluded.

SPECIAL ORDER.

The Chair laid before the Senate

Senate bill No. 32, being a bill to be entitled "An act to amend articles 4592, 4603, 4604, 4605 and 4606 of the Revised Civil Statutes of the State of Texas."

On motion of Senator Wood, the bill was recommitted to Committee on Agriculture.

IN SENATE.

House bill No. 22, "An act to amend article 649, title 21, of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

House bill No. 23, "An act providing for the time within which sales under power of sale contained in deeds of trust and mortgages must be made."

Read first time and referred to Judiciary Committee No. 1.

House bill No. 155, "An act to restore and confer upon the county court of Gregg county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of Texas, to define the jurisdiction of said court, to conform the jurisdiction of the district court of said county to such change, to fix the time of holding court, and to repeal all laws in conflict with this act."

Read first time and referred to Judiciary Committee No. 1.

House bill No. 20, "An act to create a more efficient road system for Fannin county, Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners and providing for the appointment of road overseers and defining their duties, and for the working of county convicts upon the public roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summing of teams for any road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict with this act."

Read first time and referred to Committee on Roads and Bridges.

UNFINISHED BUSINESS.

The Chair laid before the Senate,

Senate bill No. 42, being a bill to be entitled "An act to amend article 683b of the Penal Code of the State of Texas, and to add to said Code article 683c, as enacted by the Legislature of said State by act entitled 'An act to amend article 683, chapter 3, title 17, of the Penal Code of the State of Texas, relating to malicious mischief, and providing a penalty therefor, by adding thereto article 683b,' approved March 22, 1889, and amendatory of said recited act, and to define and punish the offense of wilfully and maliciously throwing missiles or firing guns or other firearms at or into moving trains on railroads in this State, and to repeal article 683b of said above recited act, and all other laws in conflict with this act."

Action being on the amendment of Senator Atlee, offered on yesterday, to-wit: "Strike out section 2 of the printed bill."

Adopted.

By Senator Simpson:

Amend caption by striking out the words "and to add to said code article 683c."

Adopted.

By Senator Dibrell:

Amend by striking out in line 13, the word "two," and insert in lieu thereof "one."

Adopted.

The bill was then ordered engrossed.

BILLS ON THIRD READING.

The Chair laid before the Senate

Senate bill No. 6, being "An act concerning primary elections called and held by authority of any political party, to pre-

vent illegal voting at same and false returns thereof, and providing penalties therefor."

Bill read third time and passed.

The Chair laid before the Senate

Senate bill No. 41, being a bill to be entitled "An act to repeal article No. 4249, of the Revised Statutes of Texas, requiring railroads to make an annual report to the Comptroller of Public Accounts."

Bill read third time and passed.

BILLS ON SECOND READING.

The Chair laid before the Senate

Senate Joint Resolution No. 3, being "A joint resolution to amend sections 4, 22 and 23 of article 4, and sections 9, 15, 18, 20, 21 and 23 of article 5, sections 14 and 16, article 8, sections 30 and 44 of article 16."

Resolution read second time, and on motion of Senator Lewis, was made special order for Monday, February 4, after call, and from day to day.

The Chair laid before the Senate

Senate joint resolution No. 4, being "A Joint Resolution to amend sections Nos. 2, 3, 4, 5, 24 and 28 of article 3, of the Constitution of the State of Texas."

Resolution read second time, and on motion of Senator Lewis, was made special order for Monday, February 4, to be considered in connection with Senate Joint Resolution No. 3.

The Chair laid before the Senate

Senate bill No. 45, being a bill to be entitled "An act to amend article 3183, chapter 4, title 61, of the Revised Civil Statutes."

Bill read second time.

By Senator Lawhon:

Amend the caption by adding after the word "Statutes" the following: "Relating to liens."

Adopted.

By Senator Dibrell:

Amend by adding after the word "pastures," in line 14, the following: "And such lien shall obtain and be in force for a period of thirty days after such carriage, buggies or other vehicles and animals shall have been taken from such livery or public stable or from such pasture; provided, that such lien shall not be in force against innocent purchasers without notice."

Lost.

The bill was then ordered engrossed.

The Chair laid before the Senate

Senate bill No. 51, being a bill to be entitled "An act to amend articles 798 and 799, of chapter 18, title 17, of the Penal Code of the State of Texas,"

Action being on engrossment.

By Senator Dean:

Amend article 798 by adding after the word "State," in line 14, the following: "And in the cases herein mentioned the offense may be charged to have been committed in the county of the prosecution in the same manner as if the act constituting such offense had taken place wholly within the State."

By Senator Agnew:

Amend the amendment by striking out "in the county of the prosecution," and insert in lieu thereof the words, "in any county into or through which the property may be brought."

Senator Dean accepted the amendment to his amendment, and the amendment as amended was adopted.

By Senator Dean:

Amend the caption by inserting in the first line thereof, after the word "and" the following, "to repeal article."

Pending action, Senator Goss moved to postpone further consideration, and that the bill be made special order for Friday next after special order, Senate bill No. 36.

So ordered.

Senator Bailey moved to suspend regular business and take up Senate Joint (concurrent) Resolution No. 1, being "A joint resolution requesting the Senate of the United States to pass a bankruptcy bill."

Lost.

On motion of Senator Tips, 12 m. tomorrow was fixed as the hour for the Senate to go into executive session on the Governor's appointments.

The Chair then laid before the Senate Senate bill No. 54, being a bill to be entitled "An act to amend articles 488 and 489 of the Code of Criminal Procedure, and to add to said Code articles 489a, 489b, 489c, 489d, 489e, 489f, 489g, providing for the attachment of witnesses in criminal cases, and for the payment of the witnesses in felony cases."

Bill read second time.

Senator Goss moved to consider the bill by sections.

So ordered.

Section 1, (article 488) of the bill read.

Senator Dibrell moved to postpone further consideration, and that the bill be made special order for Thursday next, at 10:30 a. m.

Carried.

The Chair laid before the Senate

Senate bill No. 56, being a bill to be entitled "An act to amend article 503, of chapter 3, title 13, of the Penal Code of the State of Texas."

Bill read second time and ordered engrossed.

The Chair laid before the Senate

Senate bill No. 24, being a bill to be entitled "An act to amend section 12, of an act entitled 'An act to provide for the more efficient government and maintenance of the House of Correction and Reformatory at Gatesville,' approved April 2, 1889,"

Action being on engrossment.

By Senator Agnew:

Amend by adding before the word "when" in line 6, the words "section 12." Adopted.

The bill was then ordered engrossed.

On motion of Senator Lewis, Senate joint (concurrent) resolution (see caption

above) was made special order for tomorrow after call.

So ordered.

Senator Dean asked unanimous consent that Senate bill No. 82 be taken up, and there being no objection.

The Chair laid before the Senate,

Senate bill No. 82, a bill to be entitled "An act to amend section 7, chapter 100, of the acts of the Twenty-first Legislature, approved March 29, 1889."

Action being on engrossment,

Bill ordered engrossed.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Agnew.	Lawhon.
Bailey.	Lewis.
Beall.	McComb.
Bowser.	McKinney.
Crowley.	Presler.
Dean.	Shelburne.
Dibrell.	Sherrill.
Dickson.	Simpson.
Gage.	Steele.
Goss.	Whitaker.
Greer.	Woods.

Nays—4.

Colquitt.	Smith.
Harrison.	Tips.

Absent, excused.

Atlee.	Rogers.
Boren.	Stafford.
Darwin.	

Bill read third time and passed by the following vote:

Yeas—26.

Agnew.	Lawhon.
Bailey.	Lewis.
Beall.	McComb.
Bowser.	McKinney.
Colquitt.	Presler.
Crowley.	Shelburne.
Dean.	Simpson.
Dibrell.	Smith.
Dickson.	Stafford.
Gage.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Harrison.	Woods.

Nays—None.

Absent, excused.

Atlee.	Rogers.
Boren.	Sherrill.
Darwin.	

The Chair laid before the Senate

Senate bill No. 88, being a bill to be entitled "An act to provide for the removal and distribution among the Civil Courts of Appeals for the First, Second, Fourth and Fifth Supreme Judicial districts of Texas, of the law library belonging to the State now situated at Tyler, Texas, and for such part of the law library situated at Austin, Texas, as may be removed and distributed under the provisions hereof."

Bill read second time, and on motion of

Senator Simpson was recommitted to Judiciary Committee No. 1.

On motion of Senator Agnew, the Senate adjourned to tomorrow at 10 a. m.

TWENTIETH DAY.

Senate Chamber.

Austin, Texas, January 30, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Lawhon.
Bailey.	Lewis.
Beall.	McComb.
Bowser.	McKinney.
Colquitt.	Fresler.
Crowley.	Sherrill.
Darwin.	Simpson.
Dean.	Smith.
Dibrell.	Stafford.
Dickson.	Steele.
Gage.	Tips.
Goss.	Whitaker.
Greer.	Woods.
Harrison.	

Absent—excused.

Atlee.	L Rogers.
Boren.	Shelburne.

Prayer by the Chaplain, Dr. Smoot.

Pending the reading of the Journal of yesterday,

On motion of Senator McKinney, the same was suspended.

PETITIONS AND MEMORIALS.

By Senator Harrison:

A memorial from the teachers of Bell county, asking that no part of the public free school funds be used in sectarian schools and in purchasing unnecessary supplies, and that the text book matter remain as it now stands.

Read and referred to Committee on Education.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 29, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 108, being a bill to be entitled "An act to amend article 1192 of the Revised Civil Statutes of Texas, as amended by chapter 11 of the acts of the Twenty-first Legislature,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, Jan. 29, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 1, being a bill to be en-

titled "An act relating to suits for libel, and to better define a mode of procedure in suits for damages thereunder,"

Have had the same under consideration, and I am instructed by a majority of the committee to report the same back to the Senate with the recommendation that it do pass, with the accompanying amendments.

SMITH, Chairman.

COMMITTEE AMENDMENTS.

First.—Amend by striking out section 5.

Second.—Amend section 1 by striking out in line 5, section 1, the words "and did not involve a criminal charge."

Third.—Amend by adding the word "reputation" in section 5, line 4, after the word "profession."

Fourth.—Amend by striking out section 6.

Fifth.—Amend by striking out the word "some" in line 12 of section 3, and insert the word "equivalent."

Committee Room,

Austin, Texas, Jan. 29, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 2, being a bill to be entitled "An act providing for a discovery of the assets of a judgment debtor and the enforcement of such judgment,"

Have had the same under consideration, and I am instructed by a majority of the committee to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, Jan. 29, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 48, being a bill to be entitled "An act to amend article 191 of chapter 2, title 10, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, Jan. 29, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Public Health, to whom was referred

Senate bill No. 72, being a bill to be entitled "An act to prohibit the sale, barter or gift of tobacco in any of its forms, to persons under the age of sixteen years, and to prescribe a penalty for a violation of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DIBRELL, Chairman.